

*National Journal.*  
of Washington City.

# Yadkin & Catawba Journal.

PRINTED AND PUBLISHED, BY LEMUEL BINGHAM, AT SALISBURY, ROWAN COUNTY, N. C.

VOL. II. NO. 81.—[New Series.]

TUESDAY, DECEMBER 4, 1829.

WHOLE NO. 261. VOL. VI.

TERMS.... The Journal will be afforded to subscribers at \$2 50 a year, or \$2 in advance.

No paper will be discontinued, unless at the discretion of the editor, until all arrears are paid.

Advertisements will be inserted at the usual rates. Persons sending in advertisements, are requested to note on the margin the number of insertions, or they will be continued until forbid and charged accordingly.

## For Sale,

ONE of the most valuable plantations in the upper country. It lies in the county of Cabarrus, in the fork of Rocky river and Coddle Creek, containing about five hundred and seventy acres of land. The quality of the land is first rate, the soil deep, the surface level. There are two hundred acres cleared, mostly fresh; and a new, convenient and elegant dwelling-house, which cost nearly four thousand dollars, and other buildings suitable to it. The payments for this property can be made easy. Applications as to terms of sale, can be made to R. H. Alexander, in my absence.

W.M. ALIX UNDER

## VALUABLE MEDICINES.



## AUSTIN & BURNS,

HAVE just received, from New-York and Philadelphia, and now offer for sale, (as agents) the following Valuable Medicines:

### Rogers' Vegetable Pulmonic Detergent.

PERSONS afflicted with Coughs, Colds and Pulmonary Affections in their various stages, are reminded that a more safe and effectual remedy cannot be found than Rogers' Pulmonic Detergent. It has now been tested by 15 years experience, and hundreds can be appealed to in various parts of the country, who will bear testimony to the speedy and permanent relief afforded them by the use of it.

Also, Rogers' Vegetable Renovating Pulmonary Syrup, prepared from the same materials as the Detergent, with such additions as a long course of experience and observation of Pulmonary Affections have proved to be better adapted to more protracted and confirmed cases of Consumption.

The following certificates are from gentlemen of respectability:

"At the request of Dr. Rogers, I cheerfully state that a female domestic living in my family and laboring under the effects of a most severe cold, was speedily relieved by the use of a medicine prepared by him, and known under the name of Vegetable Pulmonic Detergent, and that I have myself used it to much advantage, when suffering under a violent affection of the Lungs and recommend it as an effectual medicine in such cases."

WILLIAM HONEY, 47 Charlton st.

Few men in the community have a greater contempt for nostrums in general than myself. Patent medicine and catch-penny with me have been synonymous. I am constrained, however, to relinquish these sentiments as respects Dr. Rogers' Vegetable Detergent, the effects of which I have recently witnessed. A young lady in my family, by using two puffs, I have reason to believe, is effectually cured of an alarming pulmonary complaint, which, in all its symptoms, gave evidence of immediate consumption. I communicate this with a view of usefulness, and sincerely hope that such persons as have complaints similar to the above, will make a trial of the medicine.

GIDEON LEE.

### For the Salt Rheum.

Dr. ROGERS' LINIMENTUM, for the Salt Rheum, one of the most effectual remedies extant.

The following are some of the many respectable certificates.

NEW-YORK, JULY, 1828.

Dear Sir—I had almost despaired of ever being relieved from that afflicting and troublesome complaint, the Salt Rheum, after applying perhaps twenty different prescriptions, until I used with effect your Liniment, which has destroyed every vestige of the complaint which for several years (at seasons) rendered my hands nearly useless. Since which time, I have with much pleasure recommended its application to a great number, and in five cases out of six, have had the satisfaction of witnessing a complete cure, and in every instance, a great mitigation of its violence.

GEO. W. ARNOLD.

Dr. GEO. ROGERS. No. 313 Broadway, N. Y.  
Dear Sir—Having been severely afflicted for a number of years with the Salt Rheum on my hands, arms, &c. and resorted to every remedy within my knowledge without effecting a cure, or in fact giving me any relief, until I fortunately obtained some of your Liniment for the Salt Rheum, which after a few applications has entirely cured me. I have witnessed the same effect on several of my friends, to whom I gave some of the liniment. It has performed a cure, I believe, in every instance where it has been applied. WM. D. H. BALDWIN.

Dr. ROGERS.

Odontalgic Elixir, or Tooth ache Specific.

Many empirical remedies for the "Odontalgia" have been previously presented to the public, some of which are very good; but all have been found to fail in more than half the instances in which they have been tried.

The "Elixir" now offered may be relied upon as altogether superior to any remedy before invented; it will cure the most obstinate cases of dreadful pain, with expedition and safety.

All kinds of Garments Cut, on short notice, and reasonable terms.

All orders for work from a distance, will be punctually attended to.

Having accepted an Agency from Mr. Allen Ward, he is prepared to teach his Protract System of Tailoring.

BENJAMIN FRALEY.

Salisbury, Nov. 16, 1829.—79f

To Journeymen Tailors.

WANTED, 2 or three Journeymen Tailors, who are first rate workmen, and steady men: to such, constant employment will be given. Apply to

BENJAMIN FRALEY,

260  
Salisbury, N. C.

Nov. 19th, 1829.

Fayetteville Paper Mill

HIGHEST prices paid in CASH for RAGS,

of all descriptions at the Paper Mill in Fayetteville, N. C.—69f

Also.... Constable's Warrants.

## NEW GOODS,



## FRESH, FASHIONABLE

## AND CHEAPER

## THAN EVER!

ARE now opening at the subscriber's store in Salisbury, consisting of

## DRY GOODS,

Of almost every description,  
Suited to all Seasons of the year. ALSO,

## HARD-WARE,

## Cutlery and Groceries.

extensive in variety and amount, selected by himself with care, and bought for cash, on the best terms, in Philadelphia and New-York. The public are assured they will find a large and full supply, and lower, for cash, than usual, or others are on accommodating terms. They are respectfully invited to call, see fashions, examining qualities, hear prices, and judge for themselves.

3mt265 JOHN MURPHY.

J. M. respectfully begs to return his ungrateful thanks for the very liberal and distinguished patronage he has been so highly honored with by a discerning public, and hopes, by a diligent attention, to merit a continuance of the same.

## CHEAP NEW GOODS.

GEORGE W. BROWN is now receiving, from New-York and Philadelphia, a choice and handsome assortment of

## DRY GOODS,

Hardware, Crockery, Dye-Stuffs, Paints, Groceries, Boots & Shoes, which were

bought at reduced prices and will be sold at a small profit, for cash, or on time to punctual dealers. Among the GROCERIES, are first quality Tenerife Wine, old Muscatel de Porto, Malaga do, genuine old Holland Gin, old Cognac Brandy, Jamaica and New-England Rum; together with every article usually found in a store in this section of country. Persons wishing to purchase, will please call and examine the above Goods.

6mt278

## A CARD.

A. TORRENCE & CO. have removed to the north corner of the Court-House, (the Store attached to the Mansion Hotel), where they are disposed to sell GOODS very low.

## Farmers' & Planters' Almanac, FOR

## 1830.

Calculated for the Meridian of Salem,

CONTAINING the usual Astronomical calculations, interesting hints to the Farmer, on Rural Economy, &c. Useful Receipts, Anecdotes, &c. Officers of the General and State Government, times of holding the different Courts, Members of the General Assembly for 1829, &c. &c. For sale at this Office, Price, 10 cents single and 75 cents per dozen.

## State of North-Carolina,

## ROWAN COUNTY.

## IN THE COURT OF EQUITY.

Jilson Berryman & others, Petition for us, John Wilkeson, wife & others, Lands.

I appearing to the satisfaction of the court, that the several defendants mentioned in the petition are not inhabitants of this State. It is therefore ordered, that publication be made for six weeks in the Yadkin and Catawba Journal, a newspaper printed in Salisbury, that names the defendants, John Wilkeson and his wife Frances, Richard Wilkeson and his wife Beetham, John Berryman, John Brown and his wife Sarah, Babbie Berryman and William Berryman, appear at the next Superior Court of Law and Equity, to be held for the county of Rowan, at the Court-House in Salisbury, on the second Monday after the fourth Monday in March next, and there plead, answer or demur to said petition, the same will be taken pro confesso, and heard ex parte, and decree of sale entered accordingly.

SAM. SILLIMAN, C. M. E.

Oct. 24, 1829:—pr. adv. \$4.

## State of North-Carolina,

## CABARRUS COUNTY.

## In Equity. Fall Term, 1829.

P. Barringer et al. Petition for sale of land.

In this case, it appearing to the satisfaction of the court, that the defendant is an inhabitant of another State: It is therefore ordered, that publication be made in the Yadkin and Catawba Journal for three months, that unless the said defendant appear at the next term of this court, to be held for said county, at the Court-House in Concord, on the 7th Monday after the 4th Monday in March next, and then plead, answer or demur, said petition will be taken pro confesso, and heard ex parte, and judgment awarded accordingly.

P. B. BARRINGER, C. M. E.

3mt273:—pr. adv. \$4.

## Equity Blanks

For sale, at the Office of the Journal.

## Delivery Bonds, for Sale.

259.

## JOE PRINTING,

OF EVERY DESCRIPTION, EXECUTED

AT THIS OFFICE.

## GOVERNOR'S MESSAGE.

To the Honorable, The General Assembly of North-Carolina. GENTLEMEN,

Assembled under the provisions of

the Constitution, "to consult for the

common good and general welfare,"

you bring with you a more general

knowledge of the wants of our fellow

citizens in the various sections of the

State, and are better acquainted with

their wishes and interests, than any in-

dividual, however exalted the station

he occupies, as the reward of your fa-

vour. To this fact probably, not less

than to the power you possess of making

laws affecting the life, liberty and

property of our fellow citizens, is to be

ascribed the intense interest which is

felt and expressed throughout the State,

at each returning anniversary of the

General Assembly; and perhaps no pe-

riod of our political existence has found

our Legislators assembling, with the

prospect of being occupied in the dis-

cussion of subjects affording more gen-

eral interest, calling for greater delibera-

tion and talents, and promising more

extended-benefits, or the reverse. And

what abundant cause of gratitude and

grateful acknowledgment have we, to

the giver of every good and perfect gift,

that the representatives of the people

are permitted to assemble and deliber-

ate upon their concerns, in the undis-

turbed possession of civil and religious

liberty, the boon of Heaven, and at a

moment of profound peace, no less the

gift of him who governs the universe.

If, in the more healthy parts of the

State, labour of a different kind may be

advantageously employed in the con-

struction of roads or the improve-

ment of rivers, it is very evident that in those

sections, where our most valuable un-

appropriated lands lie, slaves constitute

the only effective force.

With them our swamps must be drained and our

rivers opened, or the former remain

the abodes of noxious animals, and the

l

them as to the immense amount they annually lose by a sickening system of transportation to foreign markets, while it demonstrates their resources for constructing and supporting better ones at home. Instead of surmise and wild conjecture on this point, they will have calculations based on facts, official and indisputable.

The information contemplated by the measure is such, as should be in the possession of every Statesman and Legislator; for it comprehends the wealth of the State, and, in no small degree, its moral power, *with which*, when they may be wanted, numbers may be commanded.

The enlightened liberality of the framers of our constitution, and the Legislature of an early day, have done much for the cause of learning by establishing an institution in the centre of our State, in which the higher branches of science are taught as successfully, as in any similar institution in our country; and is the only monument of learning within the State of North-Carolina, to which the eye of the stranger or the citizen patriot, may be directed with any emotions of pride and patriotism. It will at once be understood that my allusion is to our University. Much remains however to be done towards perfecting and giving permanency to this institution, and its situation at this time calls more loudly for Legislative interposition and patronage, than at any former period of its existence. Its funds which promises at some future day to be equal to its necessities, are yet locked up beyond the reach of those to whose guardianship it has been committed by the Legislature, and this institution, proudly claimed by some of our most distinguished citizens as their Alma Mater, is permitted to languish for the means which it is deemed within the power of the Legislature to furnish, without injury or even hazard to the State. A considerable sum of money which has been appropriated to the establishment of a literary fund, has not yet been invested in any of the Banks of the State, and the commissioners charged with its management, have determined to purchase no more Bank stock.—It is respectfully submitted to the Legislature how fair it may be adviseable, and whether it is not within the legitimate object of the Legislature which created this fund, to authorize the commissioners to loan to the trustees of the University from time to time, any part or the whole of her monies thus appropriated, which have not been applied to the purchase of stock, taking their bond with such interest as may be agreed upon, or fixed by the Legislature, for the repayment of the same.

The importance of preserving in a flourishing condition such a seminary within our own borders, is obvious. It prevents a large amount of money from being disbursed abroad and among strangers—our young men are saved from forming prepossessions in favor of foreign seminaries and foreign manners—they are enabled to study with more effect the political institutions of the State—imbiue a greater reverence for whatever is good and virtuous among ourselves—and avoid a prejudice against that state of society which we now have in the southern States, and which must be, much as we may deprecate it, coextensive with the Union.

The influence of early education upon the well being of society, and upon the present and future happiness of the human race, is admitted by every enlightened nation of the earth; and the responsible duty of disseminating its influence with peculiar force upon the statesman and legislator. So completely is the formation of character under its control, that every effort should be made, by encouraging the good, and checking the evil tendencies of our nature, to direct the virtuous energies of the mind, both by moral and intellectual education, into paths of usefulness. And that the standard, both of learning and virtue may be more elevated, a system of public education should be adopted, by which the thousands of the rising generation in our own State, who seem doomed to a life of ignorance, if not of folly and vice, without the fostering care of the Legislature, shall be enabled to acquire knowledge of the most useful kind—their tender minds trained to a love of order and virtue—and where industry and a reverence for the laws, shall be duly inculcated.

In the present enlightened age of the world, when the favorite scheme of the philanthropist throughout the habitable globe seems to be the bountiful distribution of knowledge, wherever there is human intellect to receive it; and under the improved modes and methods of instruction, which have been introduced into the primary schools both of Europe and America, contributing so much to the ease with which elementary learning may be acquired, let us no longer permit the youth of our State, to launch upon the ocean of life, there to shape their course without at least the rudiments of science.

In proportion to the ease with which an education may be acquired in other countries, and the facilities afforded by their governments for this purpose, so

should we feel its importance among ourselves; and with an enlightened wisdom, peculiarly characteristic of the present age, should North Carolina attest her belief in these principles by a liberal provision for the education of her children until the development of intellect, and the establishment of truth, shall have placed us equally above the reach of civil tyranny, and ecclesiastical usurpation. The vast importance of this subject, has frequently claimed for it the consideration of the Legislature—and a report upon it by some of the most distinguished citizens of the State, under a resolution of the Legislature of 1824, will be found among the archives of the State. Accompanying this communication will also be found a plan for the establishment of primary schools in North Carolina, submitted by a gentleman, whose opportunities for observing the practical operation of the public schools of the northern States, entitle his opinions to influence, and the benevolence of the attempt to adapt them to the peculiar situation of his adopted State, will secure to him the gratitude of its citizens.

I have also been enabled to procure, and herewith transmit you, an account of the common schools in New Jersey, and the school system of New York, Connecticut, Rhode Island, Vermont, Massachusetts, New Hampshire, and Maine. These several documents, are believed to contain the fullness of information upon this most interesting subject, calculated to shed all necessary light on the path of the Legislature, in regulating this important branch of our public economy.

It is respectfully submitted, whether some measure should not be adopted by the present Legislature, preparatory to the profitable investment of the large amount of funds now owned by the State in its banking institutions, and for enabling these, to close their concerns before the expiration of their charters in 1832; and, as an increased vigilance is called for in proportion to the near approach of this period, to secure as far as possible the interest of the State, it is with deference suggested to the consideration of the Legislature, that they be authorized to lessen the number of Directors in these corporations, and particularly in the State Bank; and that this latter institution be permitted to close its concerns, by discontinuing its branches alternately, at intervals of not less than nine months, commencing with that branch where the greatest facilities are afforded without its aid, for obtaining Bank loans, and where, consequently, the relations between debtor and creditor will be least disturbed—and terminating with the mother Bank.

In this way, the Bank will have the benefit of all its capital, to retire from circulation the notes of one of its branches at a time; and the citizens of the State will not feel so sensibly the pressure of a diminution of currency—an evil always incident to the sudden winding up of the affairs of a monied institution. It is not to be presumed that men of competent skill in the management of this matter, requiring not only talents, but a sacrifice of time, will consent to make that sacrifice without a due compensation, either in the form of salary, or Bank accommodation. In this latter mode, have all our Directors been rewarded for their services—seldom to their benefit, and often to the great loss of the Banks.

The proper regulation of the circulating medium, is acknowledged by the ablest writers on political economy, to be as difficult, as it is important to the welfare of a State. The system of banking, by which it has been attempted, and which, like many other systems both good and bad, has been handed down to us from the British government, is not without its warm advocates, and those who are no less opposed to it from principle. But we are, at no loss for evidence, that the mode in which it has been conducted among ourselves, is subversive of morals, and has been productive of wide spread ruin. To effect an improvement in the system, every Legislature in the Union has been employed, and a thousand essays addressed to the sound understanding of the citizens of the country.

The principle of gain, upon which banking is conducted, being the value of currency in circulation above the value of coin retained in their vaults to meet the demands against them, every precaution should be used to prevent the excessive issue of their paper above the available capital of the Bank; for all experience shews, not only that there is a tendency in paper money to depreciate, but that no corporation, invested with the power of an unrestricted issue of paper money, has failed to abuse it. Should the power, then, to supply the State with paper money, be vested in individuals, forming themselves into private banking companies, it cannot reasonably be expected, that the public interest should claim as much of their attention, by preventing the endless recurrence of ruinous variations in the supply of money, and giving stability to the currency and pecuniary transactions of the country, as the advancement of their own interest; nor is it to be supposed that they will be scrupulous in promoting this, because others are to suffer.

The love of gain, which exerts such

vast influence over the human mind, will operate with the stockholder of a Bank, to, at least, its legitimate extent. If kept within proper bounds, it exercises a salutary influence upon society, and happily transmutes itself into the government of a country, and deserves its encouragement; but, if pressed beyond its legitimate bounds, and is sanctioned by chartered privileges from the State, it becomes an engine of avarice and ambition.

So long, then, as the Legislature shall choose to delegate to any set of individuals the power, the important trust, of supplying the State with currency as a substitute for the precious metals, it should have ample security that the latter be not driven out of the State by them, and that the public shall lose nothing either by their improvidence or fraud. This principle has been recommended by one of the most distinguished statesmen of the present day, and is recognized by the Legislature of an enlightened State, as the proper basis of banking operations.

An increase of circulating medium, as a means of extricating our citizens from debt, is believed to be visionary, and can only have the effect of procrastinating the evil day, which must sooner or later arrive, and with an accumulation of interest in proportion to its remoteness, and with a greater certainty of ruin; for there is no fact better established, than that the profits of agricultural labour, are not equal to the legal interest of money. If the wisdom of economy, which we must of necessity have been taught, is not sufficient to drive us to the practice of this cardinal virtue, and its handmaid industry, by which alone we can be relieved from our embarrassments, it is much to be feared, that every attempt to effect it by legislation, will be little better than political quackery, and rather adding to the load of debt and difficulty.

The Judiciary, which has always been, and with much propriety, the favorite branch of the government, cannot be guarded with too much care. Upon the purity and ability with which the laws of the country are administered, depend all our rights and happiness, in connection with liberty and property. The judicial districts into which the State has been divided, are believed to be too large, and the eastern circuits particularly, to require a new organization, to prevent the waste of life, and the delay of justice, incident to the present arrangement. In connection with this subject, permit me to call your attention to the pardoning power which, in every government, is wisely placed somewhere, and by the Constitution of our State, is very properly given to the Executive; to be exercised by him, when a fit case for clemency occurs. But the case with which an artful man can make a homicide in the second or third; or a felony appear a breach of trust; and the better feelings of our nature all turning to the side of mercy, by which petitions, filled to great length, by respectable names, are easily obtained, thereby embarrassing the Executive in the discharge of his official duties; it is respectfully submitted, how far it would add to the public demonstration of the majesty of the laws, and be productive of a deep and salutary effect on the public mind, to require the judge presiding on the trial of any criminal, to make out, at the instance of the convict, an abstract of the evidence in the case, to be submitted by him, with his petition for pardon, to the Executive.

In obedience to a resolution of the last General Assembly, directing the Board of Internal Improvements to collect evidence concerning the obstructing the navigation of the Cape Fear river, below the town of Wilmington, during the revolutionary war, for purposes of defence, and the opinion of the Civil Engineer of the State as to the probable effects on the navigation of said river by such obstructions, the depositions of several of the most respectable citizens in that vicinity, and some of them aiding in the very operation, together with the opinion of Mr. Nash, on the subject referred to him, were forwarded to our Senators in Congress, and immediately met the favourable consideration of that body. An appropriation of \$20,000 was made to remove the obstructions, and the work is now going on exclusively under the direction of the General Government. Of a similar character is the improvement of the navigation of Ocracock Inlet, for which, appropriations to the amount of \$41,000 have been made by Congress.

That these works, promising such advantage to the State, and of such vital interest to the towns of Newbern and Wilmington, carried on under the fostering care of the General Government, conducted by Engineers of competent skill and with adequate funds, will be consummated, we have the guaranty of the government, in the liberal appropriations already made, and in their established practice of never abandoning a work of usefulness, in an unfinished state. But a work of still greater importance, both as it regards the interests of the State, and of the United States, calls loudly for your attention, and, through you, for the attention of Congress. If there be a work more peculiarly national in its character than any other in which the State of North Carolina can have a direct interest, it is the opening a com-

munication from the Albemarle Sound to the Atlantic Ocean. Until such an outlet can be formed, a vast proportion of the products of the State will find a market through the ports of Virginia, and we shall still be tributary to that State.

If the difficulties of getting to sea from this extensive and commodious bay, wading a tract of country, not inferior in point of fertility to any part of the world, and fed by tributary streams from every direction, one of the first commercial towns in the southern country would grow upon its borders, and afford a market for the products of industry, which could not fail to quicken vigilance throughout our State. And in answer to the question, "how will the execution of the project affect the interest of the Union?" permit me to use the strong language of the Board of Engineers of the United States: "Without entering, say they, into an examination of the political effects of the proposition which has come under our consideration, and in which the particular interest of the State may possibly run counter to those of the Union; an examination to which we do not consider ourselves called by our instructions, nor qualified by due preparation, we shall merely remark, that if the plan be carried into successful execution, whether we consider the profits of commerce, the dangers of shipwreck pursued by an enemy, or convenience as a point of deportment and refreshment for our own privateers and vessels of war, a harbour will be formed precisely in that part of the coast, where it is most needed."

With these liberal and enlightened views of the agents of the General Government, beckoning us on to an enterprise so replete with interest and importance to the State, shall we, as though conscious of inferior claims upon that government which we have contributed our full share of blood and treasure to establish and maintain, fold our arms in quietness, as though we had neither part nor lot in the matter? Or shall we not rather, cherishing an exalted pride and generous patriotism, call on Congress, through our Representatives in that body, the proper organs of such a call, to unlock the doors which shut us out from the commerce of the world?

The Yadkin river, extending its branches in different directions, almost from the extreme south, to the extreme northern boundary of the State, and wading one of the most interesting portions of its territory, rendered so by the density of its population, the salubrity of its atmosphere, and the fertility of its soil, must find an outlet to the ocean, by its rich and abundant articles of commerce, either through the Cape Fear river, or through South Carolina by means of the Pedee. Under these circumstances, and a patriotic determination to divert this commerce from passing to its ultimate destination through foreign ports, and to concentrate as far as possible the wealth of the State, it is with much earnestness recommended, that a communication between the Yadkin and the Cape Fear, either by a well built turnpike or rail road, be established. And that the practicability and utility of the latter may be tested, it is again submitted to the consideration of the Legislature, to construct one from the town of Fayetteville, to the river at Campbellton, as was suggested by my predecessor. This mode of increasing the commercial facilities of a country, and thereby bettering its internal condition, appears to be gaining ground so fast in the estimation of men of science, that it can be hazarded very little, for the State to order such a work to be constructed, between two points so nearly contiguous, and over which the transportation is so great.

Among the subjects which will occupy the attention of the Legislature, is the management and disposal, of that portion of the public lands, to which the Indian claim has recently been extinguished, lying principally in the county of Macon. What that disposition will be, is for you to determine. A portion of these lands having been surveyed under the direction of a former Legislature, it is respectfully submitted, whether that portion should not be disposed of by an Agent or Agents, appointed under your direction, and the residue, made the subject of entry, as other vacant lands of the State, at a price to be fixed on by the Legislature. But, as there are strong reasons to induce a belief, that on some of these lands there are valuable deposits of the precious metals, it is also submitted to your consideration, how far it may be promotive of the public good, and compatible with the principles of our Government, to secure to the State, an interest in all the mines and minerals which now are, or may hereafter become, the subject of entry. Should this view of the subject meet the approbation of the Legislature, it is respectfully recommended, that a scientific mineralogist and a practical miner (if the latter can be had,) be employed to explore the public lands, to ascertain what portion, if any, for mining purposes, it may be to the interest of the State to retain. This examination I have no doubt could be satisfactorily made in a few months, under the direction of the able professor of Chemistry and Mineralogy in our University, whose labours have already thrown so much light on this subject,

and from which the State is likely to derive such incalculable benefits.

An elegant map of the State of New Jersey, not inferior in any respect to the splendid one received last year of the Commonwealth of Virginia, has been presented us by that State; and we are in daily expectation of receiving one from the States of Missouri and Illinois, and the Territory of Arkansas. You were reminded by my predecessor, that we had, from time to time, received maps of different States and Territories, and that a due regard to courtesy, would seem to require us to reciprocate the kindness, as soon as practicable.

The importance of a correct map of a State, must be apparent even to a superficial inquirer; and one elegantly executed, is very properly a subject of State pride. Virginia, at an expense of sixty-six thousand dollars, and South Carolina, at the enormous sum of ninety thousand, have had their respective territories surveyed, and maps executed, which do honor to the artist, and are of incalculable advantage to the country, both in civil, and a military point of view. The surveys in the office of the Board of Internal Improvements, made by order of the State, those made by the several navigation companies, of our primary rivers, and an elegant map of the coast, made by United States' Engineers, together with the numerous surveys of western roads, and boundaries of the extensive swamps to the east, and geological charts furnished by Professors Olmstead and Mitchell, form so much of the ground work of a correct map of North Carolina, upon which the rising generation of the State may trace her extensive territory, and calculate her abundant resources for the prosecution of those great works of Internal Improvement, which must sooner or later be undertaken, that I feel it my duty, again to bring the subject before you, and to ask for its favourable consideration of the Legislature.

Before closing this communication, could I discover any reasonable prospect of a beneficial result, it would afford me pleasure to direct your attention to our militia, as a subject deeply interesting in itself, and recognised by the Constitution, as being identified with the rights and liberties of our country; but there are difficulties growing out of the organization and discipline prescribed by Congress, which, during its operation, must forever baffle every exertion to accomplish the important object, "a well trained and disciplined militia." The act of Congress of 1794, on the subject of the militia, holds to service all free white males between the age of eighteen and forty five. Since the period of the passage of that act, our population has nearly quadrupled, and, consequently, the number of persons subject to militia duty, has increased in the same ratio, making the number between those ages, less than 2,000,000 a force, which, it is believed, no exigencies of the country can ever require.

To subject, then, so large a portion of the community, as is required by the above act, to the performance of militia duty, and to a course of training indispensable to the attainment of that degree of discipline necessary to render them effective in service, would be imposing a tax on the time of our citizens, which neither their circumstances nor the interest of the country would justify. It would seem evident, then, that no important improvement of the militia can be effected till Congress shall adopt an organization, upon which a system of training can be predicated, competent to the end proposed. This view of the subject seems to have been so generally taken by the most eminent military men of the country, as to have established it, so far as their concurrent testimony will go, as true; and that the militia laws, as generally enforced and observed in the middle and Southern States instead of advancing the military art, is productive of a contrary effect, by engendering vicious habits, encouraging intemperance, and consequently, a spirit of insubordination.

By an act of the Legislature, the Governor is authorized to distribute the public arms among the volunteer companies of the State; and, under this act, frequent requisitions of them are made of the Executive. But experience having shewn, that, in consequence of the short lived existence of most of our volunteer companies, the State has sustained greater losses in the loan of them, than benefit from their use, it has been deemed expedient to suspend for a season their further distribution, unless it be at a few points, where sudden invasion, or other danger, may render it as a precautionary measure, expedient.

In every instance where volunteer companies have been dissolved, with the arms of the State in their hands, embarrassment has occurred in their collection; much loss in their number; and still greater sacrifice in their general abuse—and securing to the State the value of the arms which can seldom be done with certainty, does not do away the principal objection which exists to

the loan of them; as their value in money cannot be deemed an equivalent to their importance to the State, when they shall be required for its defence. It is therefore, respectfully submitted, whether the power of the Executive over the public arms, should not be restricted to the emergency of "repelling invasion or suppressing insurrection," or to the reasonable apprehension of such a calamity.

The death of Chief Justice Taylor, which occurred soon after the rise of the last Legislature, produced a vacancy on the bench of the Supreme Court, which was filled, under the provision of the Constitution, and by the advice of the Council of State, by granting the temporary commission (to terminate with the present session of the General Assembly) to John D. Louder, Esq. of Fayetteville. It is left to you to make the permanent appointment.

Doubts being entertained, to what proportion of the salary appropriated for the payment of a Judge of the Supreme Court, the representatives of Judge Taylor are entitled, (having died soon after the commencement of a quarter, but not until the official labors of the current half year had been performed,) it is with great deference submitted, whether a warrant, for the residue of the salary not claimed by his successor in office, shall not issue in favor of his representatives. By his death, we have lost a citizen of great value, who, in the discharge of his official duties for nearly thirty years, was diligent and just; and having acquired the confidence, he deserves also the gratitude of the State.

It is also my painful duty to communicate the death of Joseph Wilson, Esq. Solicitor for the sixth Judicial District, occasioning a vacancy in that office. The office of Solicitor having been created since the adoption of the Constitution, and the right of supplying, for a season, a vacancy occasioned by death or otherwise, was conferred by the Legislature on the Judge presiding in the Circuit where such vacancies happen, it was not deemed the duty, if it was the right of the Governor and Council to interfere. The permanent appointment of a successor to Mr. Wilson, you are also called upon to make.

The paper marked A, contains the resignation of his appointment of Senator to the Congress of the United States, of the Hon. John Branch. In accepting the resignation of Mr. Branch, it will be recollectcd with pride, and with pleasure, that, although the nature of our connection is by it changed, yet, his services are not lost but rather transferred to a sphere of more extended usefulness; where, in his own language, "the just pretensions and relative weight of the State may be maintained in the councils of our country," and to a place for which he is peculiarly fitted both by his unbending integrity and firmness.

The file herewith transmitted marked B, contains reports, resolutions and memorials of several of our sister States, on subjects of the first importance to the Union, and some of them particularly so to the Southern States, viz.: a report and resolutions of the General Assembly of Missouri, on a report and resolutions of the Legislature of Georgia, declaring that the Congress of the United States have no constitutional power to appropriate monies to aid the American Colonization Society; and a resolution proposing an amendment to the constitution of the United States, by which the President and Vice President shall be elected by the people, without the interference of the House of Representatives in any case. Also resolutions of the Legislature of Louisiana, proposing an amendment to the Constitution of the United States, by which the President and Vice President should hold their offices for six years, and be ineligible afterwards. Also the preamble and resolutions of the General Assembly of Virginia, on the proceedings of the respective Legislatures of South Carolina and Georgia, on the Tariff acts, the acts for Internal Improvements, &c. heretofore passed by Congress; and resolutions adopted by the State of South Carolina, on the subject of the Tariff—the right of Congress to adopt a system of Internal Improvements, and to make an appropriation for the benefit of the Colonization Society; and also the resolutions of the General Assembly of Mississippi, on the subject of the Tariff. The same file contains three very able papers from the State of Georgia, transmitted from the Executive of that State, with a request that they may be laid before you. One, a report on the resolutions of South Carolina and Ohio, on the subject of State rights, of Slavery, and an appropriation for the Colonization Society; another, a remonstrance, addressed to the States in favor of the Tariff; and the third, a memorial on this subject, addressed to the Anti-Tariff States, of which number is North-Carolina, from every principle of interest, and fair constitutional construction.

If the Treasury be closed to the tributary streams of commerce, and the General Government of the country is still to be supported under a heavy tariff of duties, laid for the express purpose of supporting the manufactoryes of one portion of the country, whereas, but upon the agriculturist, of another, can the burden of taxation fall? But as nothing

has yet transpired, by which the peculiar policy of the present Administration can be known, either as regards the foreign or domestic relations of the country, and as ours is emphatically a government of public opinion, and we have every thing to hope from the present enlightened Chief Magistrate of the nation, elevated as he has been by that opinion, a course of forbearance on this important measure, is, for the present, respectfully recommended; for I have no doubt, that free and calm investigation, indicating at once, moderation and firmness on our part, will soon obtain a repeal of all palpably unequal and oppressive measures; and that our Federal institutions will take deeper root, by the agitations of the storm.

An act was passed by the last Legislature, "for revising, digesting, and amending, the laws relating to Executors and Administrators;" by which the Governors are authorised to appoint two commissioners to carry the provisions of the act into effect. I have accordingly conferred the commission on Thomas Rufus and George E. Badger, Esqrs.

The resolution adopted at the same time directing me to ascertain from the Guardian of Miss Udny M. Blakeley, the amount, if any, remaining in his hands of the several sums appropriated by the State to her use, and yet unexpended in her education and support, has been complied with and the letters, and statements of the accounts from the guardian of Miss Blakeley will be found in file C.

If, Gentlemen, in bringing those matters to the consideration of the Legislature, which are deemed most intimately connected with the welfare of our beloved State, I have too freely and openly expressed my own views of what I deem the true and enlightened policy we should pursue, I derive the highest satisfaction from reflecting, that it will not be attributed to a disposition to assume—but to the proper motive, a willingness to meet any responsibility due to the high station to which I have the honor to be called.

I am, Gentlemen, &c.  
JOHN OWEN.  
Executive Department, {  
Nov. 17th, 1829.

## COMMUNICATION.

### THE TARIFF.

To the Editor of the X. & C. JOURNAL.

S.—It will hardly be denied by any one, that the great object of all rational investigation is, or ought to be, the discovery and establishment of truth, for the great purposes of promoting virtue and happiness among mankind—for the enlargement of the means of the acquisition and practice of the one, in order to a more complete possession and enjoyment of the other. It will also be readily conceded, that the assertion or maintenance of falsehood, whether thro' ignorance or design; or the concealment, denial, or perversion of truth in any way, for any purpose whatever, is a subtraction from the sum of human virtue and happiness, and tends directly to produce the opposite effects upon society, of vice and misery; at least upon those who are the subjects of its influence. These axioms are applicable to all subjects. Let us, then, endeavor to trace out their consequences upon the subject of the Tariff.

There is, sir, perhaps, no subject which has been agitated before the American people since the establishment of their Independence; in which their highest and best interests are more vitally involved; which is less understood; which is better calculated to produce a feverish excitement upon the public mind; and which has been so much perverted to the degrading purpose of getting into power, as the Tariff Laws. What does the Tariff import? Permit me, sir, through the medium of your paper, to strip this term of all its ghastly terrors, its cabalistic and adventurous importance, and present the subject, with its object, naked to your readers.

The Tariff is simply a rate of duties, or a tax, imposed by the several laws of Congress upon articles, the produce or manufacture of foreign countries, when imported into the United States.

This rate of duties, or tax, upon foreign goods, is imposed for a double purpose—first, for revenue; secondly, for protecting, fostering, or encouraging the agriculture, commerce and manufactures of our own country. With this definition of the Tariff, (which no one will dare to deny to be the true one,) partly taken from the title of the first law upon the subject, and among the first laws enacted under your constitution, you will imagine, if you can, my surprise and indignation, on hearing it asserted, a few days since, by a gentleman, who is a candidate to represent you in the next Congress of the United States, that "the Tariff was a law to tax the people of the South for the benefit of the North—that, it banished all competition, and prevented 'for world prevent' foreign nations from buying our produce." Now, sir, without designing, or desiring to prejudice in any way the course of this gentleman, or his opponent, as by their opposition to the Tariff law, they are both participants in it; permit me to ask you, and your intelligent readers, whether

such declarations, with the errors and injuries to which they directly tend, among the uninformed part of our community, (which, by the by, compose the bulk,) ought to be submitted to, or borne in silence? They are either true, or false. If true, some reason or argument ought to have been given to prove them so. If not true, all will admit that they ought not to have been made. Their tendency is too direct and too horrid to be named. As nothing was offered in their support, it is a fair presumption that nothing could be; or, in other words, that they are false. But the gentleman shall not escape with this negative kind of refutation of his declarations. I will prove them to be false; not designing, however, to be understood by either you or your readers, as using this term in an offensive sense, but technically.

In a representative republican government such as ours, its very essence is, that the People are the source of all power; and that it can only be conducted, maintained and perpetuated by the public sentiment. In any way pervert this, you remove the pillars, and the whole fabric tumbles to atoms. It is greatly to be lamented, that our countrymen take so little pains to inform themselves upon the great and leading interests and measures of their government. It is upon their ignorance, the ambitious aspirant to power, the demagogue and anarchist, build their hopes of success. It is not mean to say, every man should neglect the interests of his family, and become a brawling political disputant; but I say it is greatly to be lamented, that every citizen who possesses the important right of suffrage, does not make himself thoroughly acquainted with the nature of his government, the nature and policy of his leading measures; and his own rights and dignity as a free citizen, having a deep interest at stake. It is your duty, sir, as a public Journalist; it is mine, and every man's, possessing the means, to contribute his mite to enlighten our fellow-citizens; and although it may resemble the poor widow's gift cast into the Jewish treasury, it may, like her's be accepted as our all—our proper proportion of contribution to the public good. At any rate, we have not the option to stop and enquire how it may be received. It is our duty; and that is, or should be, paramount to every consideration.

### ONE OF THE PEOPLE.

P. S. I shall resume the subject and endeavor to redeem my pledge, as soon as my leisure will admit.

## The Journal.

SALISBURY:

TUESDAY, DECEMBER 1, 1829.

For the Governor's Message, have reference to the first page of this week's paper.

To make room for the Governor's Message, we are compelled to defer the publication of the proceedings of the Legislature, and much foreign news of considerable interest.

In another column of this paper will be found a communication, from an esteemed correspondent, intended as an introduction to a series of essays on "The Tariff."

We are glad that our correspondent has undertaken to strip this monster, and exhibit him in his true form, size and color; but he has been represented in so many horrid forms,—has, for years, played such a conspicuous part in the politico-superstitious romances of the country, and has saturated with his grim image (if we may use the expression) the minds of so many, that we believe they would still shriek, even if he were stripped of his terrific robes, as did the boy, when the Christmas-Demon with the horrid Dutch name, threw off his hood and horns and stood forth his own dear brother.

Judge RUFFIN has been elected to supply the vacancy, on the bench of the Supreme Court, caused by the death of Judge Taylor. The candidates were Judge Ruffin, Judge Toomer, (who had been appointed by the Council of State, pro tem.) Judge Seayell, and Judge Daniel.—On the last ballot the vote stood—

For Ruffin 105  
Toomer 86

We are informed that Friday last was appointed for the election of a Senator. Montfort Stokes, A. D. Murphy, S. P. Carson and William B. Mears, were nominated, and others were expected to be.

In the Virginia Convention the "long agony" is not yet "over." The struggle between the different sections of the State for power, is close, well contested,

and consequently productive of much excitement.

On Saturday the 14th inst. in committee of the whole, the vote was taken on Judge Green's amendment, (proposing the compound basis of taxation and population for the house of Delegates,) and decided against the amendment, and in favor of white population alone, by 47.

John Randolph was the last who spoke before the vote was taken. His

manner, as usual, is said to have been

deeply interesting; but he came forth

the most decided aristocrat in the Con-

vention, and declared his utter disregard

of what a majority of the people of Vir-

ginia wanted.

In the course of his speech, he made an attack upon Chapman Johnson, (perhaps the first man in Convention which is said to have "offended the moral sense of every man of good feeling.") Mr. Johnson, with a dignity characteristic of true greatness, took no direct notice of his rascorous assailant; but in a speech which he afterwards made, usually observed that "he had self-respect enough not to answer that gentleman, (Randolph) and if he had not, respect for his committee would impose silence upon him."

A late arrival at New York from Liverpool, brings the intelligence that the British government had received official information of peace between Russia and Turkey.—The treaty was made at Adrianople on the 14th of Septem-ber.—

The following are said to be the articles of the treaty:

"The Porte to pay to Russia, for expenses of the war, twenty-five, or, as other accounts say, thirty millions of silver rubles, for which, a period of twenty years is to be granted, during which the principalities and the fortresses of Silistra should remain in the possession of the Russians.

"The payment in addition of the indemnity to Russian subjects, stipulated in the Convention of Ackerman, (all the articles of which the Porte again agree to fulfil,) and which amounts to forty-eight millions of Turkish piastres. The said payment to be made in three installments. After the payment of the first, the Russian army to retire to the Balkans; on that of the second, over the Balkans; and on that of the third, over the Danube.

"The fortresses of Akhalzik, Akhaltsikhi, Poti, and Anapa, in Asia, to be ceded to Russia.

"In Europe the fortresses of Tournouk Kal, Giurgrevo and Ibrahimow, (on the left bank of the Danube,) to be razed and not again re-built.

"The five districts hitherto separated from Servia to be reunited to that province, and to enjoy the same privilege."

It is further stated, (by letters) that the Sultan has agreed to the treaty securing the independence of Greece.

Poor Sam Patch has taken his last leap. He has been for some time past, amusing the people of Niagara and "all about that quarter" by leaping the cataract; in attempting thefeat at the Falls of Gennessee, he fell obliquely on the water and was killed.

We think it would be as little as the people of Rochester (who were so much amused by Poor Patch) could do, to honor his memory by changing the name of the falls of Gennesee to—PATCH-FALLS.

Factory burnt.—The Dunstable Gazette, states the Soughegan cotton Factory, in Merrimack, was burnt a short time since. It caught from the lamp of a person in the pick-room, falling among loose cotton. The building, owned by Isaac Biddle, Esq. of Quincy, were worth \$8 or \$10,000. The policy of insurance expired last spring, and it was intended to renew it this fall. The machinery was owned by the Soughegan Manufacturing company, and was worth about \$39,000; one half insured.

Maps.—The mode of making small Maps has recently been much improved in Boston. The names of the towns are first set up in types, in their proper places; the interspaces are filled up with quadrats, of the same height with the types; the whole is then stereotyped: rivers, mountains, lines, &c. are then engraved on the metal, which represents the quadrats, and the remaining space is reduced. The letters made in this manner, appear much plainer than those etched or engraved. The Boston Daily Advertiser lately published a map of the State of War made after this fashion, which presents a very beautiful appearance.

Charleston Gazette.

Straw paper is now used for papering parlours, &c. A gentleman who speaks from personal observation, asserts that he has seen no hangings more beautiful.

Stray Mare.

STRAYED from the subscriber on the 18th of November, a bay Mare, with a small blemish in one eye, and only one white foot recollected and about fourteen hands, 3 inches high.

A liberal reward will be given to any person for arresting or delivering the said mare to me at Cheraw, South Carolina.

JOHN W. MOORE.

Nov. 28th, 1829.—24263.

P. S. All information respecting said mare will be thankfully received at Cheraw, S. C.

## THE MARKETS.

### Fayetteville Market, Nov. 18.

Cotton, 84 a 8.65, bagging, 17 a 24; bacon 6 a 7; candles, mould, 14; coffee, 15 a 16; corn, 34 a 40; flaxseed, 85; fard, 6; lead, 8; shot, per bag, 2 50; lime, 2.50 a 3; molasses, 30 a 33; nails, cut, 7 50 a 8, wrought, 18 a 20; oats, 24 a 26; sugar, common, 95; prime 11; salt, Liverpool, 75 a 80; steel, American, 8 a 9; tobacco, leaf, 3; apple brandy 28 a 30; whiskey 24 a 26; wheat, 70 a 75.

United States Bank Notes 1 to 12 per cent, premium. Cape Fear, ditto.

### Charleston Market, Nov. 14.

Cotton, 84 a 10; flour, 6 a 6½; corn, 30 a 32; oats, 40 a 43; whiskey, 25 a 26; N. E. rum 34 a 35; northern gin, 30 a 32; apple brandy, 32; tobacco, 34 a 43; beeswax 20 a 22; tallow, 8 a 9; bacon, 6 a 7; lams, 8 a 8½; lard, 7 a 8; butter, 18 a 20; inferior, 8 a 12; bagging, 18 a 23; salt, Liverpool, 40 a 60; T. Island, 30 a 32; Mucovalo, 10; St. Croix and Jamaica, 10 a 11; New-Orleans, 8 a 9; loaf, 15 a 21; coffee, prime green, 14 a 15; inferior, 12 a 13; molasses, W. Ind., 27 a 28; N. Orleans, 30 a 32.

Wilmington, November 18.—Cotton 7.50 a 8, corn 55, rice, per 100 lbs. 2.50 a 2.75, bacon 7 a 10, flour 6 a 14, flour 6 a 6½, leather, sole, 22 a 25, molasses 30 a 32, salt, Turks Island, 35 a 60; sugar 9 a 10, whiskey 35, apple brandy 40 a 45.

Newbern, November 21.—Beeswax 20, bacon 7 a 8, coffee, 12.50 a 14, flour 6 a 6½, leather, sole, 22 a 25, molasses 30 a 32, salt, Turks Island, 35 a 60; sugar 9 a 10, whiskey 35, apple brandy 40 a 45.

New-York, Nov. 17.

Cotton 84 a 11, coffee, Cuba, 11 a 12; Java, 14 a 15, flour 5, 37½ wheat 110 a 114, sugar, N. Orleans, 7 a 7½; St. Croix 84 a 95, white rum, 24 a 25, apple brandy 35 a 38.

Richmond, Nov. 21.—Cotton 8 a 9, coffee

11 a 12, according to quality; corn 40 a 42, flour 5 25 a 5 75, wheat 92 a 100, apple brandy 24 a 25; North-Carolina Bank Notes, 3 per cent, dis. S. Carolina, 1 1/2 a 2....Georgia do. 23 a 3.

## NOTICE.

THE subscriber takes this method of informing all those indebted to him, by note or otherwise, that a part of their dues, at least, must be paid on or before the first day of March next; and those who fail to comply with this notice, must expect to pay cost without fail, and that to without respect to persons.

I have just received from New-York and Philadelphia, a general assortment of

## POETRY.

TWO OR THREE SAD TRUTHS.  
There's a storm to crush the flower,  
There's a tide to freeze the stream,  
And adversity's chilling power  
To destroy life's loveliest dream.

Tyrants to quell the free,  
Cold hearts to stab the kind;  
Falsehood to stab fidelity,  
And corrode the confiding mind.

Pain in the purest pleasure—  
Pain in the hours most secure;  
Dismay in the happiest leisure,  
And don't, when delight seem more  
sure!

Such is our nature's doom—  
Thus linked the joys we prize;  
And 'tis only in the certain tomb  
That certain quiet lies!

SONG.  
It is not so—it is not so;  
The world may think me gay,  
And on my cheek the ready smile  
May ceaseless seem to play,  
The ray that tips with gold the stream  
Gilds not the depth below—  
All bright like the eye may seem,  
But yet—it's not so!  
Why to the cold and careless throng  
The secret grief reveal,  
Why speak of one who was, to those  
Who do not, cannot feel?  
No! Joy may light the brow—unknown,  
Unseen the tear drop flow—  
Tis the poor sorrowing heart alone  
Responds—it is not so!

## VARIETY.

Mixing together profit and delight.

There has recently been published in London, a Romance in three volumes, called "Oldcourt." It is a tale of more than half a century past.—From this novel we make a selection which, while it exhibits the writer's powers, pictures forth in glowing colours one of those Ducs which somewhere about the middle of the last century, were occasionally sought among the gentry of Ireland.

AN IRISH DUEL—OF THE OLD SCHOOL.  
They fought on the Curragh of Kildare, in the presence of five hundred spectators.

It was a glorious morning in September; the sun shining strong, but the air rather cold. Bateman, who was the first man that ever put a pistol into my hand, asked me to go with him to the ground merely, as he said, that I might see the sport.

They were old staggers, prime shots, and game to the back-bone. Of the two, however, Kilgobbin was the most famed for the pistol; and had never gone out without knocking down, or at least winging his man. They well knew each other's powers and that made them less disposed to an accommodation which might be attributed to wrong motives. Besides, from the nature of the quarrel, as it was taken up by the assailant, it could not but have a serious result to one, or both of the parties.

The knight was a rough, rather coarse, ruddy complexioned man, about forty, with a scar under his eye, which he got in a scuffle with a cavalry officer, in the pump-room at Bath. Beau Bateman, as he was called, from his peculiar style of dress, was a tall, handsome fellow, evidently younger than his antagonist, full of gaiety and good humour, and remarkable for that propensity to joke, which is so much the characteristic of our countrymen.

I eagerly observed his countenance when we met in the morning, but all was calm and steady, his eagle eye as bright and brisk as ever; he was even more talkative and jocular than usual. He had been particularly attentive to his dress, which was always in the extreme of the fashion; and, in short, he manifested in his whole demeanour such a perfect sang froid, that had it not been for a slight tremour of the upper lip, when turning aside to me, he told me, in case of accident, to give his pistols to his nephew—a chum of mine in college (who, by-the-by, was afterwards the first man I wounded with those very pistols) had it not been, I say, for this slight tremour, and a pressure of the hand with which he accompanied his directions, nobody would have supposed that he was about to present himself as a target to the best shot in Ireland.

On arriving at the ground, we saw the knight and his party in conversation, and a number of persons scattered about at a distance.

Bateman, politely lifting his hat, said, "Good morning, gentlemen, I hope we have not kept you waiting." French answered, "By no means, we were before our time." Kilgobbin, in a rather ungracious way, replied to his

adversary's salutation, "Sir, your most obedient." The others shook him cordially by the hand, for his jocular manner had made him a general favourite.

The seconds were now about to measure the distance—nine paces, when Kilgobbin remarked, that we were in the view of some cabins on the right. This seemed an odd objection, as there was no interruption to be apprehended from such a quarter and many of their inhabitants were collecting round to see the sport. He suggested, however, that we should remove about a quarter of a mile further, to a fine level turf, on the banks of a pond called Brown's hole, from the name of a fool who thought fit to jump in.

As we proceeded, I occasionally observed the knight's countenance, and I thought he appeared to be flushed, eager and somewhat restless, looking round frequently with an inquiet eye, and paying only a sort of yawning attention to what was said to him.

All the time, Bateman was as gay and agreeable as ever, cracking his jokes, and sometimes pleasantly pointing them at the sulky air of his adversary, declaring "he saw no reason why old friends should not shoot each other in good humour, when their honour required that they should resort to such a ceremony."

By the time we had reached the spot, and the ground was measured out, the spectators had become so numerous, that it was necessary to appoint two gentlemen to keep the lines, as it were and warn the lookers-on out of the range of the bullets.

Kilgobbin, I perceive, had during the arrangement, so maneuvered, as to get at that side which would enable him to stand with his back to the sun. Every thing was now nearly ready, the pistols loaded, the flints examined, and the seconds setting apart the order of proceeding, when to my surprise, the knight took off his coat and gave it to his servant to hold, then baring his right arm up to the elbows, and stepping a few paces to the side of the pond, deliberately plunged it into the water, and held it there.

"Good God!" exclaimed D'Archy,

"what a vindictive spirit that displayed!"

"So it was felt, I assure you," replied O'Hara; and a murmur of disapprobation ran through the whole party. The knight, however, was not influenced, though he seemed mortified by the manifestation of feeling which had broken forth; and Bateman observing him, exclaimed, in a laughing tone, "What! knight, are you nervous?"

"Yes," answered Kilgobbin, sneeringly; "you frighten me, and a cool hand is a good safeguard."

"A cool heart is better," replied Bateman.

"A cold heart may make it so, Mr. Bateman," retorted the knight; "and I leave you all the benefit that is to be derived from it."

Here one of the country people, standing near with a small bottle of the "tincture" in his hand, to comfort him in the freshness of the morning, conceiving, I suppose, that Kilgobbin was complaining of the coldness of his heart, which he concluded was a very unlucky feeling at such a moment, with equal simplicity and good nature said—

"Ah, then, may be your honour would take a drop of dram?"

"How can he, my good fellow," said Bateman; "don't you see he is out of spirits this morning?"

This sally produced a general laugh, notwithstanding the seriousness of the occasion; for Pat, you know, can't resist a joke, even when the rope is about his neck. The knight looked like thunder, and his old crony, Col. Cravanagh, turning to Bateman, exclaimed, "Well, Beau, I will do you the justice to say, that you are as ready with your pun or your pistol, as any man that ever stepped on the Curragh of Kildare!"

As a challenger, the knight was to have the first shot; the signal was given, and he fired without effect. Bateman now received the word, and instantly discharged his pistol, the ball striking the ground at his antagonist's feet. The seconds now delivered another pistol to each, the groups around hardly breathing, so absorbed in the interest of the scene.

Again the word was given, and, at the same moment, Bateman's second cried out to the knight, "Stop, Sir, you have advanced a pace on your ground." Kilgobbin, in drawing back, said, "I beg pardon, I was not aware of it." Some body amongst the spectators cried out, "keep your ground, knight;" upon which he immediately said, "I am willing to waive my shot, to atone for my irregularity."

"By no means," answered Bateman, "but if Kilgobbin wishes to shorten the distance, let him advance, I have no objection."

"No, no," exclaimed the seconds, "keep your ground, gentlemen." The signal was now repeated, the knight fired, and his ball took off one of the breast buttons of Bateman's coat.

"That was well intended, Kilgobbin," said Bateman, "and in your best style."

"No," said the former, "my hand is out, and I have not my own pistols."

Bateman then fired in his turn, his ball passing through the sleeve of Kilgobbin's shirt, without touching his arm.

"Come, that's not bad," said the knight.

Some confusion seemed here to arise amongst the crowd, and a horseman appeared at a distance, galloping towards the ground; a cry was heard that the high sheriff of the county was coming.

"By Jupiter!" exclaimed his brother, who was present, "that is impossible, for I left him in his bed yesterday, having been wounded himself in a duel, the day before, with the clerk of the peace." It was now discovered that the horseman was Kilgobbin's groom, with his master's favorite pistols, which had been sent for to a considerable distance, and had not arrived in time. The knight seemed much pleased to get them, and requested to have them loaded instead of those he had used.

Bateman's second objected to any change of pistols, unless his principal were allowed to take his choice of one of them.

Kilgobbin agreed to this, but Bateman refused, saying, gaily, he was too good a carpenter to find fault with his own tools. They now resumed their station, and the knight having received one of his favorite weapons, was called on to fire, which he did with more effect than before. Bateman was seen to stagger back a few paces, and drop on one knee, his pistol, in the effort to recover himself, fell from his hand, and exploded, without doing any mischief. He was, however, immediately on his ground again declaring he was but slightly hurt, and calling for another pistol.

The seconds now interfered, asserting that enough had been done to satisfy the honor of both parties; and the spectators eagerly joined in their opinion, crying out, "No more, no more, gentlemen."

Kilgobbin, observing the general sentiment, said, "He had no objection now to accept a proper apology!"

"What do you say, Mr. Bateman," asked young French, who seemed particularly anxious to put an end to the affair.

"I say, Sir," steadily replied Bateman, "that I am not a man to make an apology at the muzzle of a pistol on any occasion; but, in the present instance, to offer an apology would be to sanction intemperance, and acknowledge an accident to be an offence. I am here to satisfy the Knight of Kilgobbin, but not to humour him."

At this moment, up comes the King of the Curragh, as he was called, old Sir Toby Tuite, whose word, for half a century, was considered in that part of the country, as the law, and the gospel in all matters of duelling, horse racing, and cock fighting. As he was acquainted with the case, the seconds took place immediately, to hear the veteran's decision, which he delivered with great solemnity.

"Gentlemen," said he, "a blow is the greatest indignity which can be put upon a man of honour and feeling. My friend Kilgobbin has received one in public, under circumstances which might reasonably make a man of high spirit very reluctant to admit the excuse of accident, even when he had himself no doubt on the subject.—We must not allow our personal dignity to be tainted by even a conjectural violation." ("Hear him, hear him," said the knight.) Kilgobbin is justified, therefore in the course which he has adopted. As blood has been drawn in the field, he is also at liberty to receive an apology, if he chooses so to do; but as an apology has been refused by my friend Bateman, Kilgobbin is authorized by the strict law of honor to proceed.

"Who ever questioned it?" interposed Kilgobbin; polishing, with his shirt sleeve, the barrel of his pistol.

"I say, gentlemen, he has a right to proceed as long as his antagonist stands before him—until one or the other is disabled."

"A second Daniel!" exclaimed the knight exultingly; "a second Daniel!"

"Yes, gentlemen," continued Sir

Toby, "though the offence must be considered to have been originally improbable—though it was, in the first instance, disclaimed, and has been here sufficiently atoned for, yet, strictly speaking, Kilgobbin may insist upon proceeding to the last extremity. He has a right to demand the pound of flesh—it is in the bond—but, by the cross of St. Patrick!" continued the old man, raising his clenched hand, "he is a Jew, if in this case he exacts it."

"While the seconds retired to their posts, Kilgobbin, who felt his confidence in his own powers restored, by getting his favorite pistols, cried out, "Now, Bateman, mind what you are about—I have got my own tools, and by G—d! I'll bring you down the next shot."

Bateman, bowing slightly, replied, "I thank you, Sir, for the warning."

The word was then given, Bateman fired, and his antagonist dropped as he had been struck by a thunderbolt.

Bateman exclaimed, "Good God!

I have killed him."

We all ran up to Kilgobbin—his second raised him a little from the ground—he opened his eyes, looked round him, and seeing his adversary near him, faintly said, "Give me your hand, Bateman—you are not to blame for this—God bless you!" he never spoke again.

He had been hit under the right breast, and the ball lodged in the spine.

Poor Bateman, dreadfully shocked, fell to the earth, through weakness from loss of blood, and was obliged to be carried off the ground. He was afterwards tried and honourably acquitted.

## COLONEL DAVIDSON.

It has been remarked, by one of the most chaste and literary writers of our country, that merit, wherever it is found, never failed to emerge from obscurity, and assume its proper rank and estimation in the world. This assertion was never more truly exemplified, than in the life of the subject of this biographical sketch. Just emerging into manhood, at "the hour which tried men's souls," he quickly decided upon the cause he should espouse, and manfully fought, and gloriously died for his country.—His services were too great to be easily forgotten; and our Legislature, feeling the grateful sense of the obligation due him, upon the division of Rowan county, gave the new county which was thereby created, the appellation of Davidson.—*Newbern Spectator.*

WILLIAM DAVIDSON: Lieutenant-Colonel Commandant in the N. Carolina line, and Brigadier General in the Militia of that State, was the youngest son of George Davidson, who removed with his family, from Lancaster county, in Pennsylvania, in the year 1750, to Rowan county in North-Carolina.

William was born in the year 1746, and was educated in a plain country manner, at an academy in Charlotte, the county town of Mecklenburg, which adjoins Rowan.

Like most of the enterprising youth of America, Davidson repaired to the standard of his country, on the commencement of the revolutionary war, and was appointed a Major in one of the first regiments formed by the Government of North-Carolina.

In this character, he marched with the North Carolina line, under Brigadier General Nash, to the main army in New Jersey, where he served under the Commander-in-Chief, until the North Carolina line was detached, in November, 1779, to reinforce the Southern army, commanded by Major General Lincoln. Previous to this event, Major Davidson was promoted to the command of a regiment, with the rank of Lieutenant Colonel Commandant.

As he passed through North Carolina, Davidson obtained permission to visit his family, from which he had been absent nearly three years.—The delay produced by this visit saved him from captivity, as he found Charleston so closely invested when he arrived in its neighborhood, as to prevent his rejoining with his regiment.

Soon after the surrender of General Lincoln and his army, the loyalists of North Carolina, not doubting the complete success of the royal forces, began to embody themselves for the purpose of contributing their active aid in the field to the subsequent operations of the British General.—They were numerous in the Western parts of the State, and especially in the highland settlement about Cross Creek. Lieutenant Colonel Davidson put himself at the

head of some of our militia, called out to quell the expected insurrection. He proceeded with vigor in the execution of his trust; and in an engagement with a party of loyalists near Calson's Mill, he was severely wounded; the ball entered the umbilical region, and passed through his body near his kidneys.—This confined him for eight weeks; when recovering, he instantly took the field, having been recently appointed Brigadier General by the government of North-Carolina, in the place of Brigadier General Rutherford, taken at the battle of Camden. He exerted himself, in conjunction with General Sumner and Colonel Davis, to interrupt the progress of Lord Cornwallis in his advances towards Salisbury, and throughout that eventful period, gave unclosing evidences of his zeal and firmness in upholding his falling country.

After the victory obtained by Morgan at the Cowpens, Davidson was among the most active of his countrymen in assembling the militia of his district, to enable General Greene, who had joined the light corps under Morgan, to stop the progress of the advancing enemy; and was detached by Gen. Greene, on the night of the last of January, to guard the very ford selected by Lord Cornwallis for his passage of the Catawba river on the next morning. Davidson possessed himself of the post on the night, at the head of three hundred men; and having placed a picket near the shore, stationed his corps at some small distance from the ford.

General Henry Lee, from whose "memoirs of the war in the Southern Department of the United States," we copy the present sketch of General Davidson, gives the following account of the battle:—

A disposition was immediately made to dislodge Davidson, which the British General, O'Hara, with the guards effected. Lieutenant Colonel Hall led with the light company, followed by the grenadiers. The current was rapid, the stream waist deep, and five hundred yards in width. The soldiers crossed in platoons, supporting each other's steps. When Lieutenant Colonel Hall reached the middle of the river, he was descried by the American centinels, whose challenge and fire brought Davidson's corps into array. Deserter by his guide, Hall passed directly across, not knowing the landing place, which lay below him. This deviation from the common course rendered it necessary for Davidson to incline to the right; but this manœuvre, although promptly performed, was not effected until the light infantry had gained the shore. A fierce conflict ensued, which was well supported by Davidson and his inferior force. The militia at length yielded, and Davidson, while mounting his horse to direct the retreat, was killed. Our loss was small, excepting General Davidson, an active, zealous, influential officer. The British Lieutenant Colonel Hall was also killed, with three of the light infantry, and thirty-six wounded. Lord Cornwallis's horse was shot under him, and fell as soon as he got upon the shore.—Lee's horses were carried down the stream and with difficulty saved; and O'Hara's tumbled over with him in the water."

The loss of Brigadier General Davidson would have always been felt in any stage of the war.—It was particularly detrimental in its effect at this period, as he was the chief instrument relied upon by General Greene for the assemblage of the militia; an event all important at this crisis, and anxiously desired by the American General.—The ball passed through his breast, and he instantly fell dead.

This promising soldier was thus lost to his country in the meridian of life, and at a moment when his services would have been highly beneficial to her. He was a man of popular manners, pleasing address, active and indefatigable. Enamoured with the profession of arms, and devoted to the great cause for which he had fought, his future usefulness may be inferred from his former conduct.

The Congress of the United States, in gratitude for his services and in commemoration of the sense of his worth, passed the following resolution, directing the erection of a monument to his memory.

Resolved, That the Governor and Council of the State of North Carolina be desired to erect a monument, at the expense of the United States, not exceeding the value of five hundred dollars, to the memory of the late Brigadier General Davidson, who commanded the Militia of the District of Salisbury, in the State of North Carolina, and was killed on the first day of February last, fighting gallantly in the defence of the liberty and independence of these States.